

REMARKS

Claims 1-10 are pending in the application.

Claims 1-7 and 9-10 have been rejected.

No claims have been amended herein.

Claims 1-10 remain pending in this application.

Reconsideration of the claims is respectfully requested.

I. CLAIM REJECTIONS -- 35 U.S.C. § 102

Claims 1-7 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0102148 to *Perkitny, et al.* (hereinafter “Perkitny”). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Claim 1 recites a device for loading coins into a coin canister, the canister having tubular receptacles. The device includes a funnel mounted for sliding movement on the coin canister along the tubular receptacles.

As described in paragraph [0059], Perkitny shows a coin bank having a funnel 68 through which coins fall into a hopper 66 and onto a sorting wheel 62. The sorting wheel rotates and carries individual coins over a wheel housing 60, which has apertures 114 of increasing size. Coins are sorted by falling through the first correctly sized aperture into an associated coin tube 36. It is clear from the description of Perkitny that the funnel 68, hopper 66, wheel housing 60, and coin tubes 36 are in fixed positions relative to one another and that only the sorting wheel 62 moves relative to the other elements of the coin bank. As such, the Applicants respectfully submit that Perkitny does not describe a funnel mounted for sliding movement along the tubular receptacles of a coin canister, as recited in Claim 1.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 102 rejection over Perkitny with respect to Claims 1-7 and 10.

Further, Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,347,179 to *Schnitzspahn* (hereinafter “Schnitzspahn”). This rejection is respectfully traversed.

Schnitzspahn describes a device for spreading out coins for inspection and counting. *See Schnitzspahn, page 1, lines 9-15.* The device has a feed tube 1 that holds a stack of coins. As the feed tube passes along a rail 5 that includes upwardly projecting lugs 6, each lug captures a single

coin from the bottom of stack of coins. The number of coins deposited on the rail is determined by the number of lugs on the rail. *See Schnitzspahn, page 1, lines 53-55.* Once the feed tube has been passed along the length of a rail, “a definite number of coins from the feed tube...are now spread out flat on the [rail], so that any spurious pieces or vacant places can be quickly detected and cared for.” *Schnitzspahn, page 2, lines 99-103.*

In rejecting Claim 1 over Schnitzspahn, the Examiner asserts that “the areas defined by lugs 6 are capable of holding more than one coin and would do so if the coins were relatively thin compared to the lugs and the slit.” *Office Action mailed September 11, 2007, page 6, last paragraph.* The Applicants respectfully submit that such an assertion is contrary to the clear teaching of Schnitzspahn.

Were the lugs taller than the depth of a single coin, a user of the Schnitzspahn device would no longer be assured “that any spurious pieces or vacant places can be quickly detected and cared for.” Lugs capturing more than a single coin would permit a “spurious piece” to be captured underneath a legitimate coin, preventing the user from seeing the “spurious piece.” Further, rather than being able to detect “vacant places” merely by looking for the complete absence of a coin, the user would be required to check that each lug had captured the full number of expected coins. As such, Schnitzspahn clearly does not describe lugs tall enough to capture more than a single coin and, in fact, teaches away from such lugs.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 102 rejection over Schnitzspahn with respect to Claim 1.

II. CLAIM REJECTIONS -- 35 U.S.C. § 103

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Perkitny reference in view of U.S. Patent Application Publication No. 2002/0043958 to *Yamaguchi, et al.* (hereinafter “Yamaguchi”). The Applicant respectfully traverses the rejection.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *Id.*

As argued in traversing the § 102 rejection of independent Claim 1 over Perkitny, the Perkitny reference fails to describe all the limitations of Claim 1. The Applicants respectfully submit that Yamaguchi does nothing to overcome the shortcomings of Perkitny. Claim 9 depends from

Claim 1 and includes all the limitations of Claim 1. As such, Perkitny and Yamaguchi, either singly or in combination, fail to describe all the limitations of Claim 9.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 103 rejection with respect to these claims.

III. ALLOWABLE SUBJECT MATTER

The Applicants thank the Examiner for the indication that Claim 8 is allowed. As no amendments have been made, the Applicants submit that Claim 8 remains in condition for allowance.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***wmunck@munckbutrus.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS CARTER, P.C.

Date: Dec. 11, 2007



William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: ***wmunck@munckbutrus.com***